

SERVICE VENDOR PERFORMANCE EVALUATION AND APPEAL PROCESS

The Michigan Department of Transportation (MDOT) will complete a performance evaluation for all types of services provided throughout the department by both prime consultants and sub consultants in order to provide consultants documented feedback on their performance, promote project management/consultant communication, identify and document areas of potential improvements of consultant performance, and improve the overall quality of MDOT projects. The vendor and sub-vendors will be rated on a scale of 1 to 10, regarding the following twelve factors, if they are applicable to the project:

Project Management

- Was the vendor in control of the services provided to MDOT?
- Did the vendor communicate adequately with the department staff?
- Was the vendor responsive to requests from the department, including requests for information and requests to make changes in the work?
- Did the vendor follow good safety practices?
- Did the vendor meet deliverable date requirements?
- Did the vendor coordinate work with subvendor's work, exercise authority over subvendors, provide notice of subvendor work schedule, and ensure that subvendors were in compliance with contract requirements?

Technical/Work Performance

- Did the vendor have competent and sufficient personnel with the technical expertise needed to successfully complete the project?
- Did the vendor have adequate and sufficient resources other than personnel (equipment, manuals, etc.) to fulfill the requirements of the scope of services?
- Did the vendor provide a quality work product?
- Did the vendor properly notify and coordinate work with other affected parties such as utility companies, property owners, local units of government, and other MDOT areas?
- Did the vendor meet the applicable environmental requirements, such as documentation, enforcement, obtaining permits, studies, etc.?
- Did the vendor comply with applicable federal, state and local laws and regulations and/or MDOT guidelines and procedures? This includes, but is not limited to, compliance with prompt payment to subvendors (completing attachment G), submitting accurate and timely invoices, responding to contractual issues, and adhering to Disadvantaged Business Enterprise (DBE) participation guidelines.

PERFORMANCE EVALUATION APPEAL PROCESS

MDOT has an appeal process of the service vendor performance evaluation in effect to provide the service vendors an opportunity to contest performance evaluation scores that may adversely affect their ability to perform work for MDOT. Please note that any evaluation score of 7 or less may result in actions taken against a service vendor's prequalification status up to and including loss of prequalification status and/or other sanctions.

MDOT continuously reviews the performance and qualifications of service vendors to determine whether they shall remain prequalified to perform work in the classifications in which they are currently prequalified. It is the practice of MDOT to require a performance evaluation for all work performed by service vendors working directly under contract with the department, or under subcontract with a prime vendor who has a contract with MDOT. A review of the service vendor's qualifications and performance evaluations occurs prior to selection of a service vendor to perform work for the department as well as during the prequalification renewal processes. A service vendor's prequalification status may change at any time, as a result of poor performance on a MDOT project. As set forth below, MDOT maintains an appeal process wherein the service vendor may dispute performance evaluation scores that may adversely affect their ability to perform work for MDOT.

Informal Review Procedures

1. Within 14 calendar days from the date a service vendor receives a performance evaluation (excluding interim evaluations), the service vendor submits a written request to the MDOT Project Manager to meet with the Project Manager to review an evaluation of any rating of 7 or below. If a meeting is not requested within the 14 day period, the original evaluation becomes final and will not be subject to later contest or appeal.
2. Within 10 days of receipt of service vendor request, the MDOT Project Manager schedules the appeal meeting and notifies the service vendor of meeting date and location. The Project Manager may have other department employees or representatives attend and participate in the meeting, as determined appropriate.

The service vendor shall not submit any additional information to MDOT prior to the Informal Review. However, on a case-by-case basis, it may be determined during the Informal Review that the service vendor should provide additional information, if the information will support the service vendor.

If it is determined at the Informal Review that the service vendor may submit additional information, the information must be received by the Project Manager within 14 calendar days of the date of the Informal Review.

3. The MDOT Project Manager notifies the service vendor of a decision within 30 calendar days of the meeting or within 30 calendar days of the receipt of any additional information provided, whichever is later.

Formal Appeal Procedures

1. Within 14 calendar days from the date a service vendor receives the Informal Review decision, or from the date the service vendor receives a revised evaluation, the service vendor submits a written request to the MDOT Project Manager to appeal to the Performance Evaluation Appeal Panel, (Appeal Panel) of any rating of 7 or below. If the written request for appeal is not received within the specified time frame, the Informal Review decision is final and binding and will not be subject to further contest or appeal.
2. Within 10 days of receipt of service vendor request, the MDOT project manager schedules the appeal meeting and notifies the Performance Evaluation Appeal Panel Members and the service vendor of the meeting date and location. MDOT may have other department employees or representatives attend and participate in the meeting, as determined appropriate.
3. The Performance Evaluation Appeal Panel meets with the service vendor and reviews all relevant information provided by the vendor and Project Manager.

On a case-by-case basis, it may be determined during the Formal Appeal, that the service vendor should provide additional information, if the information will support the service vendor. If it is determined at the Formal Appeal that the service vendor shall submit additional information, the information must be received by the MDOT Project Manager within 14 calendar days of the date of the Formal Appeal.

The Appeal Panel may overturn, modify, or confirm the Informal Review decision. If any further review and consultation with department employees and representatives is necessary, the Appeal Panel shall make its decision after the necessary meetings or discussions have occurred.

4. The Performance Evaluation Appeal Panel notifies the service vendor of a decision within 30 calendar days of the meeting or within 30 calendar days of the receipt of any additional information provided, whichever is later.